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ABSTRACT

A case study is presented of the planning of a merger of two public institutions in Nashville, Tennessee, in which a federal judge ordered predominantly white University of Tennessee at Nashville to merge with predominantly black Tennessee State University. This action represents the first time a white university has merged with a black one, with the black school being the surviving institution. The historical events that resulted in the court-ordered merger are summarized and the constitutional issues in question are analyzed in detail. A merger plan developed for planning and implementing the merger of the two institutions is also examined. The court allowed two years for the planning of the merger. Some of the unresolved issues facing the two schools as they move closer toward the actual merger on July 1, 1979 are reviewed, and the possible long-range concerns of Tennessee State University relative to its role, mission, and organizational structure are examined. An analysis is also presented of possible implications that the merger will have on other predominantly black institutions of higher education. (Author/SW)

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ABSTRACT

"The Planning of the Merger of Two Public Higher Education Institutions: A Case Study of Tennessee State University and The University of Tennessee at Nashville"

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The paper is a case study of the planning of a merger of two public institutions in Nashville, Tennessee in which a Federal Judge ordered predominantly white University of Tennessee at Nashville to merge with predominantly black Tennessee State University. It represents the first time a white university has merged with a black one, and the latter being the surviving institution.

The paper summarizes the historical events that resulted in the court-ordered merger of the two institutions including a detailed analysis of the Constitutional issues that were in question.

A merger plan which was developed for planning and implementing the merger of the two institutions is also examined as well as the planning activities which the two institutions were involved. The proposed merger had the advantage of being given two years by the Court to plan the merger.

The paper reviews some of the unresolved issues facing the two schools as they move closer toward the actual merger on July 1, 1979. The possible long-range concerns of Tennessee State University relative to its role, mission and organizational structured are examined. Finally, the paper also presents an analysis of possible implications that the merger will have on other predominantly black institutions of higher education.

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THE PLANNING OF THE MERGER OF TWO PUBLIC HIGHER EDUCATION INSTITUTIONS: A CASE STUDY OF TENNESSEE STATE UNIVERSITY AND THE UNIVERSITY OF TENNESSEE AT NASHVILLE

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THE PLANNING OF THE MERGER OF TWO PUBLIC HIGHER EDUCATION INSTITUTIONS: A CASE STUDY OF TENNESSEE STATE UNIVERSITY AND THE UNIVERSITY OF TENNESSEE AT NASHVILLE

by

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On April 13, 1979, the United State's Sixth Circuit Court of Appeals upheld a District Court judge's 1977 mandate that Tennessee State University (TSU), a predominantly black institution in Nashville, Tennessee, be merged with the University of Tennessee at Nashville (UTN), a predominantly white institution located three miles from the TSU campus.

While there have been previous mergers of black and white institutions, this is the first court-ordered merger that resulted in a predominantly black institution being mandated the "surviving" institution. In other words, the University of Tennessee at Nashville will be disenfranchised, and merged into the current TSU which would continue, after the merger, to exist as Tennessee State University.

Since the 1977 merger ordered by the Court, the two institutions have had the unique opportunity of having a two-year planning period in order to prepare for the scheduled merger (July 1, 1979). During the past two years, sub-committees (comprised of administrators, faculty, staff and students from both institutions) were organized to plan the merger. The purposes of this paper are to:

1. summarize the historical events that resulted in the court-ordered merger of the two institutions.
2. examine the merger plan that eventually was accepted by the District Court and upheld by the Appeals Court.
3. examine the various planning processes involved in merging the two institutions, and problems encountered by the sub-committees as they attempted to develop specific implementation plans and recommendations for merging the two institutions.

4. review some of the unresolved issues and concerns confronting the two institutions as they move closer toward the actual merger date (July 1, 1979).

5. discuss the imminent and long-range concerns of Tennessee State University relative to possible changes in its role, mission, personnel and students, and organizational structure after the merger as well as potential problems that might be encountered.

6. Analyze the possible implications that the merger will have on other predominantly black institutions of higher education.

HISTORICAL BACKGROUND

In 1968, a class action suit was filed by Rita Sanders (now Rita Geier) with a U. S. District Court in Nashville, Tennessee, on behalf of all blacks living in Tennessee as well as all white residents, students and faculty of Tennessee A. and I. State University (now Tennessee State University), students attending Tennessee public high schools, and black parents in the state. Named as defendants in the suit were the Governor of Tennessee, the University of Tennessee's Board of Trustees, the Tennessee Higher Education Commission (the coordinating agency for Tennessee higher education), the U. S. Department of Health, Education and Welfare (HEW), and the State Board of Education (the governing body for Tennessee State University).

The suit sought an injunction to prohibit the University of Tennessee from expanding its downtown Nashville campus by constructing a new building. The basis of the suit was that expansion of the University of Tennessee at Nashville campus would perpetuate segregation at Tennessee State University, and would continue in Tennessee a dual public higher education system based on race. HEW was named in the suit because it was providing some funds for the construction of the building. However, HEW was eventually

excused as a defendant in the suit, and then joined with the plaintiffs. HEW asserted, in the suit, that the maintenance of several white institutions and one black institution in Tennessee violated the Fourteenth Amendment's Equal Protection Clause on the premise that students at TSU received inferior educational opportunities. HEW requested a court order requiring the state to dismantle the dual system, and that the defendants submit to the Court a statewide plan for desegregating public higher education in Tennessee.

It should be noted that public higher education in Tennessee previously was segregated by law (Tennessee Constitution of 1870), and that no blacks were permitted to attend any of the numerous white public institutions until 1960. Tennessee State, founded in 1912 as a land-grant institution for Negroes, was the only choice, prior to 1960, which black students could attend. UTN was established as an all white institution in 1947 as a two-year extension center in downtown Nashville to provide evening instruction for part-time students who were employed at governmental agencies, (Nashville is the state's capital) and various businesses.

After hearings were held, Judge Frank Gray denied the plaintiff's injunction request that would have prevented the construction of UTN's building, but he ordered the defendants to submit to the Court a plan for desegregating public higher education in Tennessee. The Judge denoted that UTN did not show intentions of becoming a degree-granting institution, and was not in direct competition with TSU for students since both schools served vastly different clienteles. The Judge concluded that expansion of UTN would not contribute to the perpetuation of a dual public higher education system in the state.

The defendants later submitted a plan which offered recommendations rather than specific plans of action. These recommendations included recruiting black high school students to attend white colleges and universities, increasing black faculty at white campuses, recruiting white students and faculty for Tennessee State University, and providing joint TSU and UTN academic programs. The Court was somewhat neutral to the plan, and directed that the defendants report on the progress of their recommendations and develop a more specific plan.

Numerous reports were submitted over a period of years. However, the Court continuously maintained that while progress was being made in disenfranchising the dual educational system in Tennessee, the recommendations relative to resolving the problems associated with white UTN and black TSU were not progressing satisfactorily. The Judge finally concluded that the plan submitted by the defendants would not work, and ordered that a new plan be submitted which would involve developing programs at TSU to attract white students as well as desegregate its faculty. The defendants were also asked to consider the possibility of merging TSU and UTN.

Another plan later was submitted by the defendants to the Court. The plan included appointing white faculty at TSU over black applicants, providing special TSU scholarships to white students, constructing a business building and library, and transferring UTN's social work program to TSU's campus (however, the program was still controlled by UTN).

Several subsequent reports reflected little progress in the success of the plan since TSU had attracted few white students. Additionally, UTN was granted degree granting status in 1971 (UTN now offers undergraduate degrees in approximately 22 areas including a Master's in Business Administration). Furthermore, the Tennessee Higher Education Commission (THEC)

recommended that merger was not feasible at that time, while TSU countered that merger was the only way of eradicating the segregated public higher education system in Tennessee.

During the next five years, numerous reports were submitted by the defendants and were unacceptable to the Court. In 1977, while accepting the statewide desegregation plan, Judge Gray ordered the merger of TSU and UTN, and stipulated that the merger be completed within three years from July 1, 1977. In his opinion, Judge Gray noted the failure of the previous plans in desegregating TSU and UTN. Enrollment at TSU in 1977 was 84 percent black, 15 percent non-black and 1 percent foreign students; and 23 percent of its 284 faculty members were white. The Judge noted that while most of the white institutions had made significant progress in desegregating their institutions, TSU had little success in attracting white students.

At the time of the merger mandate, Tennessee State University was under the State Board of Regents (SBR) which superceded the State Board of Education's governance of higher education in 1972 (SBR is currently the governing board for six regional universities and 10 community colleges; The University of Tennessee system, comprised of four campuses, has a separate governing body). The current Chancellor of the State Board of Regents was previously the Chancellor of UTN prior to becoming SBR Chancellor in 1975. It should be noticed that one of the major concerns of TSU was that the State Board of Regents, and not Tennessee State University, was given authority by the Court to plan and implement the merger. Instead of having control over the planning and implementation of the merger, TSU, in many cases, could only provide recommendations to the SBR for consideration.

Thus, TSU was in the unique position of having another institution ordered by a Court to merge into TSU and not having control of the merger events relative to the selection of personnel, the organizational structure, etc. The Court had ordered that the schools be merged under a single governing board which would be the State Board of Regents since merging under the University of Tennessee would have eliminated TSU. Additionally, SBR controlled other institutions in middle Tennessee, and the Judge felt SBR could best control future competition among the institutions in that area.

On April 13, 1979, the U. S. Sixth Circuit Court of Appeals in Cincinnati, Ohio, upheld Judge Gray's decision which had been appealed by the defendants. The Appeals Court supported the lower Court's finding that while the plan for desegregating public higher education in Tennessee was acceptable and being implemented that TSU "required special attention because it was the heart of the dual system," and previous plans as well as the expansion of UTN "impeded the required dismantling of the dual system." The Appeals Court also concluded that the District Court did not exceed its power in ordering the merger of TSU and UTN as a remedy to desegregating TSU.

The University of Tennessee and the Tennessee Higher Education Commission have filed a motion with the Appeals Court to stay the July 1, 1979 merger pending a review of certiorari by the U. S. Supreme Court.*

THE MERGER PLAN

When Judge Gray ordered the two institutions to merge within three years, he also instructed the State Board of Regents to develop and submit

*The request for a stay of merger has since been denied by the Appeals Court and is now being appealed to the U. S. Supreme Court.

a plan of merger within 75 days. The plan was submitted on May 11, 1979 and accepted by the Court.

The merger plan was outlined in four sections entitled: (1) Implementation Directives and Guidelines, (2) Implementation Organization, (3) Implementation Timetable and, (4) Administrative Structure of the Expanded TSU.

Implementation Directive and Guidelines

While the comprehensive merger plan did not outline specific steps to be taken in implementing the merger of the two institutions, it delineated general merger guidelines and provided a framework for structuring subcommittees that would develop the specific implementation plans for various areas. The guidelines and directives provided for employment rights of faculty and staffs of both schools including a grievance procedure, provisions for UTN faculty to participate in the faculty senate and standing committees of TSU, procedures for combining curriculum and degree requirements of the merged institution, and guaranteed that UTN students have the opportunity to participate in TSU's student government. Additionally, the plan made it clear TSU would be an urban university and courses would be offered at the expanded TSU 14 hours a day to insure not only would TSU's traditional students continue to be served but so would the part-time evening students at UTN.

Finally, the guidelines also stipulated that once the merger process was completed, an institutional review would be conducted to determine if the role and scope of the expanded TSU needed to be revised.

Implementation Organization

The State Board of Regents provided in the plan provisions for establishing an Implementation Committee to supervise the merger of TSU and UTN as

well as serve as a sub-committee of the Regents. The committee is comprised of four members (two blacks and two whites) of the State Board of Regents, two members (one black and one white) of the University of Tennessee's Board of Trustees and one member from the Tennessee Higher Education Commission. This committee exercises much of its authority through the Chancellor of the State Board of Regents.

An Advisory Committee, also stipulated in the plan, is a bi-racial committee which was appointed by the Governor of Tennessee. This committee is comprised of ten prominent community and state leaders (five whites and five blacks), and its purpose, as described in the document, was:

1. To provide suggestions for accomplishing a satisfactory merger, and
2. To interpret the progress of the Implementation Committee to the citizens of the Nashville community and the State.

The plan also called for a Staff Director who would supervise the day-to-day operations of the merger, and coordinate the activities of the various implementation sub-committees. The staff director is SBR's associate vice chancellor for academic affairs who is black and previously served as vice president for academic affairs at Tennessee State University, and at one time, was acting president of Tennessee State University.

An Executive Review Committee was established according to the plan which consists of the staff director, the President of Tennessee State University and the Chancellor of the University of Tennessee at Nashville. This committee, when possible, attempted to reach an agreement on the various reports, recommendations and plans which emerged from the sub-committees. The committee subsequently forwarded the reports to the Chancellor for review, and then submitted it to the Implementation Committee and the State Board of Regents.

The "work horses" of the merger planning process were the 13 Implementation Sub-committees whose responsibilities were outlined in the merger plan. Nine of the sub-committees were academic in nature (Arts and Sciences, Business Administration, Education, Engineering, Nursing, Academic Personnel Policies, Admissions and Records, Continuing Education and Public Service, and Library Learning Resources). The five academic program sub-committees represented academic schools that both UTN and TSU had. Tennessee State University has a School of Agriculture and Home Economics and a School of Allied Health, but committees were not formed since UTN did not have them.

The four administrative sub-committees (Data Processing and Institutional Research, Fiscal Affairs, Physical Facilities, Security, and Student Affairs) had the responsibility of developing merger plans for the appropriate administrative areas.

The chief administrative officer of each institution recommended two tenured faculty members, a dean, and one student for each of the five academic program committees (Arts and Sciences, Business Administration, Education, Engineering, and Nursing). The plan stipulated that the two faculty members, the student and the dean had to come from the academic school that each committee represented.

In the case of the five administrative sub-committees, the chief administrative officer of each sub-committee's area (usually a vice president or vice chancellor) from both institutions served on the respective sub-committee as well as other key administrators from the appropriate areas.

Appendix A, an excerpt from the merger plan, more specifically describes the responsibilities of the various committees with the exception of the sub-committees relating to academic programs.

The academic program sub-committees were responsible for reviewing existing school/departmental admissions and degree requirements, accreditation status and requirements, curricular offerings, instructional objectives in each course, including catalog descriptions, faculty expertise, staffing plan, student credit hour loads, and profiles of students majoring in each discipline. These sub-committees also made recommendations relative to combining the academic programs of the two institutions.

Implementation Timetable

The merger document delineated a timetable for each of the sub-committees (excluding the academic program sub-committees). The purpose of this section of the plan was to provide timeframes or deadlines for the accomplishment of specific activities or actions by the various sub-committees. For example, the Academic Personnel Policies sub-committee was to have completed a final draft of a faculty handbook for the merged institution by December 1, 1978; SBR was to have approved the faculty handbook by March 1, 1979, and the handbook is to be printed and put to use by August 15, 1979.

Administrative Structure of the Expanded Tennessee State University

The merger plan outlined an administrative structure of the merged institution that would enable TSU to continue its commitment as an 1890 land-grant school as well as absorb the urban institutional setting of UTN which specializes in instruction for evening and part-time students and public service programs. Additionally, the organizational structure was patterned after that of a multiple campus institution since the expanded TSU would operate at two campuses.

The current President of Tennessee State University was recently named by the Chancellor of the State Board as the president of the expanded TSU. The highest ranking administrative officer at the downtown campus will be a Vice President for Public Service and Continuing Education. This Vice President will be in charge of the day-to-day operations of the downtown campus, and will have a Dean of Continuing Education and a Dean of Evening Programs and Cff-Campus Credit Instruction reporting to him/her. It should be noted that UTN has a large public service component whose role the SBR did not want diminished as the result of the merger. Currently, a Dean of Continuing and Extension Education at TSU reports to the Vice President of Academic Affairs. This move will represent an organization shift as the result of the merger.

The merger plan also required the establishment of the position of Vice President for Management Services. This Vice President was hired from UTN in 1978 for the merged schools and is responsible for coordinating the academic and administrative computer centers, management information systems, and the office of institutional research and planning, management and evaluation. In order to provide comprehensive management information, planning and computer support systems for the merged schools, it was felt that these operations should be centralized under one vice president.

Other organizational changes outlined in the merger plan were to:

1. move the Office of Admissions and Records from Student Affairs to Academic Affairs.
2. provide for an Executive Assistant to the President.
3. possibly move the Nursing Program from the School of Allied Health and establish a School of Nursing (no final decision has been made yet).
4. reorganize the Student Affairs division.

5. eliminate TSU's current position of Vice President for Research and Development (the president of TSU and the chancellor of SBR recently agreed that this position would not be eliminated).

6. remove the Learning Resources Center from the School of Education and have it report directly to the Vice President for Academic Affairs.

7. transfer the Art Department and Music Department from the School of Education to the School of Arts and Sciences.

8. separate the department of Administration, Curriculum and Instruction into three individual departments (Education Administration, Curriculum and Instruction, Reading and Special Education).

9. expand the Business Administration program and divide it into four separate departments.

10. establish, as the result of the merger, numerous additional assistant and associate positions, e.g., associate vice president for academic affairs.

SOME PROBLEMS AND ACCOMPLISHMENTS OF THE SUB-COMMITTEES

After the merger plan was developed by the State Board of Regents, and had been submitted to and approved by the District Court, the 13 sub-committees were formed, and began developing specific merger plans for their respective areas. However, the sub-committees, while performing a remarkable job in accomplishing their assigned tasks, experienced some problems. The following are some of the problems that were encountered by the sub-committees:

1. Time Factor: The work of the sub-committees took up a tremendous amount of time not only in meetings but in briefing administrators and the campus communities, and conducting follow-up activities in order to prepare reports and studies for the next meetings. Faculty members had courses to teach, and administrators and staffs had responsibilities to their respective campus in running their operations. The activities of the sub-committee were extremely imposing on the time of the members. Furthermore, Tennessee State University also was involved with preparing for NCATE and SACS (Self-Study) visitations during this time.

2. Unrealistic Deadlines: Some deadlines could not be met by some sub-committees. For example, the Faculty Handbook deviated

considerably from its timeframes. It appeared that some sub-committees got tied down with unexpected issues and problems, or the resolution of seemingly minor issues consumed more time than had been anticipated.

3. Apathy and Hostilities of Some Members: Oftentimes, hostilities, especially on the part of UTN personnel, were manifested which made some meetings counterproductive although the staff director did a remarkable job of controlling the meetings. Some sub-committees found that staffs of the other institution were reluctant to provide them data necessary for them to accomplish their tasks. Additionally, some members of the various sub-committees had nonchalant or apathetic attitudes toward the merger process since they did not believe that a merger would ever be consummated, and felt that work accomplished by their sub-committees would be a waste of time. UTN had appealed the merger order, and personnel at both institutions were fairly confident that the lower Court's order would be overturned by the Appeals Court.

4. Peer Pressure: Some members were under considerable pressures from fellow sub-committee members and personnel at their respective campuses not to cooperate at the meetings. They were hesitant about "sticking their necks out" too far for fear of ostracism by peers. This resulted in delayed decisions by some sub-committees until members could discuss and review proposals and recommendations at their respective campuses. Additionally, members would often switch their initial positions on some crucial decisions after talking with other members of the sub-committees or with people at their respective campuses.

Despite the various problems involved, the sub-committee did iron out most of their differences, and all of them completed their work. It is remarkable that relatively few changes in the various plans and recommendations submitted by the sub-committees were made by the Executive Review Committee, the Implementation Committee and the Regents as the reports worked their way through the review process.

Tennessee State University appointed a faculty member as its campus coordinator of merger and this liaison person communicated merger developments to the campus community. Both institutions also had frequent merger briefings with their faculty, staffs and students. Additionally, Tennessee State University sponsored an intensive two-day merger workshop off campus

with the President, the President's Council, the academic deans and members of the State Board of Regents Staff.

MAJOR UNRESOLVED ISSUES AND CONCERNS

Unless UTN is granted a stay of merger by the Appeals Court or the U. S. Supreme Court, the merger of the two institutions will take place on July 1, 1979. While much has been accomplished during the two-year planning period, numerous issues and concerns have yet to be resolved which will have a tremendous impact on the implementation of the July 1 merger. The following is a discussion of some of the major problems that have to be resolved before the merger or shortly after it commences:

1. The Request for a Stay of Merger: UTN has appealed for a stay of merger, and it appears that a decision on this request by the Appeals Court and possibly the U. S. Supreme Court will not be rendered until close to the July 1 merger date. This action has created uncertainty among students at both institutions, and may result in an initial decrease in UTN enrollment after the merger. UTN's winter enrollment was down considerably this past year. Additionally, since UTN administrators are hoping for a stay, there still is continued reluctance in their cooperating with TSU personnel in providing data, budget information, student information, and other materials that should be examined before the merger.

2. Budgets: The budgets of the two institutions probably will not be combined until the day of the merger which is also the beginning of the fiscal year. Therefore, little cooperative budget planning or analysis has transpired, and the two institutions have developed separate budgets, and submitted them to their respective governing boards. Neither has seen the proposed 1979-80 budget of the other institution.

3. UTN Summer School: UTN will still operate and complete its summer school program this year despite the July 1 merger of the two schools. UTN's summer school session will end approximately several days before the expanded TSU begins its fall semester. The logistics that will insure a smooth transition, e.g., recording of grades, transfer of students' records, fall registration for UTN's summer school students, etc., are still being worked out.

4. Management Information Systems: TSU recently procurred a larger and faster computer with on-line capabilities to handle the activities of the expanded institution. However, while data files on the previous computer have been converted, programming is still in progress. Additionally, because some of the information systems of the two schools are different, either they have to be combined or a new systems have to be developed and debugged (student information system, payroll-personnel system, business information system, and the course scheduling system). While the computer center and Management Information System's staffs have been increased with programmers and systems analysts, the process is somewhat behind schedule.

5. Academic Programs: Are still being reviewed, and the various courses are still being compared. The fall course schedule, which is usually out now, has not been printed and is behind its deadline, and no determination has been made in some areas as to who will be teaching or what courses will be offered since employment contracts are issued in July, and no one yet knows which UTN faculty will be continuing their services at the expanded institution. Additionally, UTN has been somewhat uncooperative in developing a combined course schedule.

6. Selection of Administrators: Comparison of personnel is still under review. While the current president of TSU has been selected as president of the merged institution, the individuals for two vice presidential positions, three deanships and a host of directorships have not been selected. Both schools currently have individuals in these positions. As outlined in Appendix B, which are the guidelines for selection of administrators for the merged institution, the two incumbents in each position have to submit resumes which will be compared, and one of the two will be selected by the chancellor of the State Board of Regents after discussion with the president. The review process probably will not be completed until June.

   The following are the contested positions:

   Vice President for Academic Affairs
   Vice President for Business Affairs
   Dean of School of Arts and Sciences
   Dean of School of Education
   Dean of School of Engineering
   Director of Purchasing
   Controller
   Bursar
   Director of Admissions and Records
   Registrar
   Director of Career Planning and Placement
   Director of Personnel
   Director of Learning Resources Center
   Director of Public Relations
   Director of Veteran Services

The uncertainty as to the persons that will head these offices has created leadership and planning problems in the respective areas at a time when leadership and planning are most crucial. Additionally, these administrators have to be selected before other lower level unit heads are selected. The administrators chosen in the current process will help to select the unit head that will report to them, e.g., academic department chairpersons.

7. Transportation Between Campuses: Plans have not been developed related to providing transportation for students who might have to commute between TSU's current campus and UTN's downtown campus.

8. Semester and Quarter Hour Systems: Tennessee State University is currently on the semester system while the University of Tennessee at Nashville is on the quarter system. Specific details of converting to the semester hours are still being worked out, a computer program that will convert hours currently is being debugged. Additionally, problems of converting quarter system sequence course to the semester system are presently being examined (e.g., is Accounting I, II, III of the quarter system equivalent to the semester systems' Accounting I and II?).

9. Ownership of UTN's Facility: Ownership of the downtown campus will probably be retained by the University of Tennessee, but space will be made available to TSU. However, it is unclear as to whether only classroom space will be provided, or if TSU will be able to utilize office and storage space as well as provide public service activities (conferences, training seminars, workshops, etc.,).

   TSU will have major space problems at its current campus if it has to provide additional office space for the current faculty and staff at UTN. Space is already very limited at the campus. Furthermore, TSU does not know if it will have access to the current equipment and furnishings that are at the UTN campus.

10. Computer Equipment: It is unknown whether computer-related equipment currently at UTN will be available for utilization by TSU after the merger. If not, then the comparable equipment has to be ordered soon so that it will arrive by the July 1 merger date.

11. Location of Academic Programs: Because of the problem discussed in Number 9, no determination has been made as where some academic programs will be located. For example, both institutions currently have nursing programs. Arrangements and plans will have to be developed and implemented relative to physically relocating these programs.

LONG-RANGE PROBLEMS AND CONCERNS

The merger of Tennessee State University and the University of Tennessee at Nashville will enable the current TSU to expand its academic program offerings, increase its activities in public service off-campus and evening instruction, and become a major urban public institution in Nashville, serving a multi-ethnic population. Additionally, the expanded TSU should put TSU well on the road toward becoming a comprehensive urban institution that will one day offer doctorate and professional programs. This has long been a dream of the TSU community. Yet, there are many potential pitfalls that could drastically alter TSU to the point that it will remain TSU in name only--a ghost of the current Tennessee State University. Some of the major long-range problems and concerns are contained in the following discussion:

1. Role and Mission: Traditionally, TSU has been a higher education institution for black students (the student body is currently 88 percent black). Additionally, TSU has always had a commitment and dedication to the economically and educationally disadvantaged. If all students, faculty and staff from the current UTN choose to come to the expanded TSU, 50 percent of TSU's student body will be white as well as half of its faculty. The realities of these possible changes in student and faculty racial mix could result in a significantly different role for TSU in the future. Additionally, UTN's students are older, usually attend classes on a part-time basis in the evenings, work full-time jobs, are commuter students and many do not seek degrees as compared to TSU's residential student atmosphere. These differences will certainly affect the type of services that TSU has traditionally offered to students. Furthermore, as stipulated in the merger plan, TSU will re-examine its mission, role and scope after the merger process. All three could change as the result of the review. These are major concerns to current administrators since several predominantly black schools that were desegregated in the past have now become predominantly or nearly predominantly white, and their roles have changed. TSU could experience a severe identity crisis in the future.

2. Black Administrators and Faculty: The merger plan also stipulated that the role of black administrators in the system not be lessened

since without the ones at Tennessee State University, there would be few black administrators in public higher education in Tennessee. However, in the long term future, black administrators at TSU could be replaced by white ones. The continuation of black leadership at TSU is essential in insuring that TSU's 67 year-old role and mission not be altered drastically. However, if key leadership at TSU becomes predominantly white in the future (e.g., the selection of a white president or white vice president for academic affairs), the commitment of traditionally serving black students and disadvantaged students could diminish.

3. Control of the Expanded TSU: As TSU becomes a major urban institution, it might have less control of its destiny as forces external to campus will attempt to dictate what type of institution it should become. For many years, as a predominantly black institution, TSU was basically neglected by the Nashville's white community, the state legislature, and TSU's governing body. As more white students enroll at the institution after the merger, there will be increased pressures by the white community, businesses, and state legislators to control the internal affairs of the campus in order to induce the changes that are perceived to be needed. Furthermore, if the vast majority of the students at the expanded institution are white in the future, the racial realities will certainly suggest that the majority of the administrators, staff, and faculty as well as the leadership of the institution will not be black.

4. Potential Overstaffing: The merger plan is an optimistic one that basically assumes that all students, staff and faculty currently at UTN will come to TSU after the merger. However, there are signs that there will be an initial drop in the number of current UTN students who will be attending the expanded TSU (many have or plan to transfer to other institutions). If only two-thirds of UTN's 5,000 plus students choose to come to TSU, and all of the faculty and staff come, then the merged institution will certainly be overstaffed. While the merger plan guarantees employment for tenured faculty, it did not provide job security for administrators, staff and untenured faculty.

If faculty are retrenched because of a decrease in the student body or academic programs are eliminated, many of the current TSU faculty that are untenured could be terminated. Additionally, if merger results in high tenure ratios in some academic departments, a tenure quota preventing junior faculty from getting scheduled tenure could be imposed. TSU's current faculty (the majority of them are black) is the youngest one in the system, and has the highest number of junior and untenured faculty.

The merger organizational structure created numerous assistant and associate positions in the various offices of deans, vice presidents and directors. TSU might be viewed as being top-heavy with administrators after the merger process. While little changes are expected to be made during the first year of the merger relative to staffing patterns, the state legislature and the governing board, in the future, could be hard-pressed in justifying to the public that there should be long term over-staffing at TSU as the result of the merger.

Finally, TSU is funded, like all public institutions in Tennessee, by an enrollment driven funding formula. A drastic reduction in enrollment could also result in a major reduction (approximately $2,000 per student) in formula generated funds.

5. A Stay of Merger: If UTN is successful in gaining a stay of the merger until the U. S. Supreme Court reviews the case, a final decision may not be rendered for several years. A delay of the merger could confuse current and potential students at both institutions (UTN has experienced a significant drop in the number of students who enrolled in the winter term). Additionally, it would be difficult for both institutions to do separate or joint long-range planning relative to assessing program needs, developing and implementing new programs, determining faculty and administrative staffing needs, and implementing effective resource allocation and utilization procedures and activities.

6. Day and Night Time Academic Programs: After the merger of the two institutions, there is the real possibility that Tennessee State University could be predominantly white at night and predominantly black in the daytime hours. Currently, the majority of TSU's students are daytime students while UTN's students are evening students. If this pattern continues, then the campus will still be segregated in both the evening and the daytime unless more white students are attracted to the campus in the day and more black in the evenings.

   Additionally, if TSU utilizes the UTN building for classroom activities and office space, unless careful planning and placement of personnel are done, the current UTN faculty could continue to teach at night while the current TSU faculty would continue to teach in the day. Furthermore, unless faculty at

both campuses are switched so that some UTN faculty will teach and maintain offices at the current TSU campus after the merger, and vice versa, then the faculty will still be segregated with the white faculty teaching the evening, and teaching and maintaining their offices at the downtown campus.

IMPLICATIONS FOR PREDOMINANTLY BLACK INSTITUTIONS AND SUMMARY

Numerous Southern States, as the result of Adams vs. Richardson, were ordered by the Secretary of HEW to develop and submit plans for desegregating dual systems of higher education. Many of these states have watched litigations involving TSU and UTN with keen interest. It should be noted that a U. S. District Court ordered the merger of TSU after 10 years of the defendants' unsuccessful endeavors in devising an acceptable plan for desegregating TSU. At one time, the recommended solution to the problem by the state was for Tennessee State University to merge with UTN, and become a part of the University of Tennessee system.

Some states, in considering ways to desegregate their dual systems of higher education, also view merging black schools into white ones as possible, and oftentimes the only solution. Rarely has anyone mentioned or considered the opposite, despite existence of some black institutions for over 50 years compared to the new predominantly white ones located nearby. The merger order by the Court did not mention that TSU was 60 years old when UTN became a degree-granting institution in 1971, and that TSU should have been the surviving institution on the basis of longevity in the community. Rather, the Court based its decision on the premise that TSU would have been eliminated if merged into the University of Tennessee System, and that the SBR, with other institutions in Middle Tennessee area under its auspices, could best control future competition

among them. The Court's rationales certainly aren't applicable in most of the Adams states.

Additionally, the U. S. District Court and the Appeals Court rejected the request of other plaintiffs, including HEW, that the statewide desegregation plan submitted by the state was inadequate and that Tennessee should be declared an Adams state. With the exception of Tennessee State University, the Court found that the rest of higher education in Tennessee was "progressing at a steady and acceptable rate" in desegregating their student bodies and faculty, and that the "long-range plan gave promise of continued progress." Tennessee State was the problem.

The predominantly black institutions have to be concerned that their state might use the Sanders (Geier) Case as a benchmark for desegregating black schools by merging them with white schools. The outcome of the TSU and UTN case might have been very different had the state been permitted to determine how it would eliminate its dual higher education system. This case also resulted in the State Board of Regents, and not the administration of Tennessee State University, the authority and the responsibility by the Court of developing a plan for merging the two institutions as well as implementing the merger.

Additionally, administrators of predominantly black institutions should also carefully review the merger plan that was accepted by the Court. Any minor alteration of the guidelines and directives in the SBR plan could drastically change the plan itself and its meaning. Furthermore, the plan, as with all plans, could not possibly have anticipated all the various merger-related contingencies. There was a considerable amount of discretionary leeway left for the sub-committees to develop specific procedures for implementing the merger. Yet, despite the two years

of pre-merger planning afforded by the Court, the two institutions will go into the merger still faced with unresolved issues, and a tremendous degree of uncertainty.

Additionally, the District Court in the TSU/UTN litigations ruled that the existence of a predominantly black institution is not unconstitutional "in and of itself." The Appeals Court sustained this ruling. However, if this case goes to the U. S. Supreme Court, the Justices may rule that black institutions, supported by public funds, are unconstitutional and should be dismantled. Such a ruling would have a devastating effect on the future of public black institutions.

Finally, the merger, while providing Tennessee State University the opportunity to become a major urban institution as well as a comprehensive institution, offers no guarantees (with the exception that the merged school will be named Tennessee State University) that it will still remain a predominantly black institution in the distant future and its longstanding mission will not be altered. It will be many years before the effectiveness of the court-ordered merger is ascertained, and a determination can be made that the spirit of the merger plan was maintained.

APPENDIX A

Source: State Board of Regents Plan
For The Merger of Tennessee State
University And The University
of Tennessee-Nashville

1. Academic Personnel Policies. This sub-committee will develop a plan for merging the faculties of the two institutions. The plan will include an interim faculty exchange program, provisions for the former UTN full-time faculty members to be represented in faculty organizations, and faculty rights and privileges as generally contained in the faculty handbook. In particular, this sub-committee in developing the plan will review current, minimum hiring requirements and promotion guidelines; and tenure policies; salaries; full-time equated load guidelines; and faculty organizations and committees. After the review process is completed and a data line has been established which describes the current situation in each institution, the sub-committee will prepare a detail plan to effectively merge the two sets of institutional policies and practices into one faculty handbook which will be the one to be used in the expanded TSU when it is approved by the Chancellor.

To develop closer working and personal relationships between the faculties of TSU and UTN, to bring about a better faculty understanding of the two student bodies, and to encourage open communications between faculties and student bodies, an interim faculty exchange program will be implemented at the beginning of the 1977-78 academic year. Initially, this plan will call for the exchange of 8 to 10 faculty members from each campus. For the 1978-79 academic year, the number of participants in

this program will be increased to 16 to 20 faculty members from each campus. This exchange program will operate on an academic year basis. Full merger of the two faculties will be accomplished by the beginning of the 1979 fall term.

The chief administrative officer of each campus will recommend two faculty members, one tenured and one non-tenured, and the chief academic officer for the Academic Personnel Polices sub-committee.

2. **Admissions and Records.** This sub-committee will review the current admissions policies; testing procedures and instruments; counseling practices and policies; placement practices; developmental program assignments; registration practices; credit records; c.e.u. records; transcript processes; student access policies; and other factors pertaining to admissions and records. Following the review, the sub-committee will develop a plan to reconcile all differences in current policies and practices and will develop one set of policies and practices to be used by the expanded TSU when approved by the Chancellor or Board as required by SBR policies.

For this sub-committee the chief administrator of each institution will recommend three staff from the admissions and record units, one will be the director/head of the unit.

3. **Continuing Education and Public Service.** This sub-committee will inventory all continuing education and public service offerings of both institutions. In addition, this group will review all current institution policies and practices relating to this area. Particularly, the sub-committee will review extra compensation policies and practices; campus customs as to private consulting practices; staffing plans for continuing education and public service units; minimum hiring qualifications; and overall institutional academic rank and promotions policies for persons assigned to these areas. Agricultural extension activities will not

be addressed by this committee as UTN has no assigned or assumed responsibilities in this area.

For this sub-committee, the chief administrator of each institution will recommend three faculty/staff from the continuing education and public service units, one will be the dean/director of continuing education/public service.

4. Library-Learning Resources. This sub-committee will direct its activities in such areas as Library services, audio-visual services, learning resources center services, and the like. It will review present operational policies and procedures in these areas and will develop a plan to effectively merge the policies and procedures for the operation of a common library system consisting of principle units on the main and downtown campuses.

During the implementation period to the completion of the merger, this committee will coordinate the purchasing of additions to the collections of library-learning resources units at both UTN and TSU. The objective will be to avoid unnecessary duplications as to the two institutions approach final merger.

To form this sub-committee, the chief administrator of each institution will recommend two staff members from each library-learning resources staff, one of which will be the Director of the Library.

Adimnistrative Sub-Committees

Three sub-committees will comprise this category. Generally, the sub-committees will plan the merger of data processing and institutional research services; business operations; physical plant operations and maintenance; and campus security operations.

1. Data Processing and Institutional Research. The responsibilities of this sub-committee will be primarily planning for the merger of all data processing and institutional research services

at UTN and TSU and developing detailed plan to accomplish the unification of these services in the expanded TSU. The sub-committee will provide an interim plan, as needed, to coordinate campus needs in these areas prior to the complete unification of services. The plan will include computer services for the academic and administrative areas.

For this sub-committee, the chief administrators will recommend two staff members from each institution, one of whom will be the director/head of the computer section/unit and one the director/head of institutional research services.

2. Fiscal Affairs. This sub-committee will review the total operations conducted in the fiscal affairs area at each institution. In particular, the sub-committee will review accounting procedures, budgets, cash management practices, fee structures, fiscal assets and liabilities of each institution, contracts, leases, personnel plans, and existing fiscal staff expertise. The sub-committee will develop a detailed plan to unify all operations in the fiscal affairs area which will include provisions for addressing fiscal affairs services prior to the complete unification.

For this sub-committee, each chief administrator will recommend two staff members, one of whom will be the vice president/director of fiscal affairs or his/her equivalent.

3. Physical Facilities and Campus Security. This sub-committee will review institutional operations and qualifications of personnel involved in the maintenance of buildings and grounds, maintenance of campus safety and security, campus planning, and other related services. From this review, the sub-committee will develop a merger plan which will focus on the full utilization of the skills available among the combined staffs in these areas at TSU and UTN. It will also focus on the avoidance of unnecessary duplication.

For this sub-committee, each chief administrator will appoint three staff members, one of whom shall be the director of physical facilities and one the director of security.

Student Affairs Sub-Committee

Only one sub-committee will be formed in the student affairs area. This sub-committee will be comprised of students and staff persons from the student affairs divisions/units and it will address all matters pertaining to student governance and student affairs.

Student Affairs. This sub-committee will review all policies at each institution relating to student governance and will review all student services such as counseling and career guidance, cultural events, financial aid, health and infirmary, housing, and recreation. After this review, the sub-committee will develop a detailed plan to effectively unify all student services and governance policies. The plan will specifically provide for the effective participation of former UTN students in the student governance organizations at TSU as well as other student organizations or groups during the interim period prior to the complete merger of the two institutions.

For this sub-committee, the chief administrator of each institution will appoint two students, one must be the head of the student government organization, and two staff persons, one of whom must be the vice president/director of student affairs.

APPENDIX B

PROPOSED GUIDELINES AND PROCEDURES FOR SELECTING TSU AND UTN PERSONNEL TO FILL ADMINISTRATIVE POSITIONS AT THE EXPANDED TSU

1. The selection process will take into account two major commitments stated in the Plan for the Merger:

   a. to remedy the constitutional violations found in the February 28, 1977, judgment of the Court (i.e., to desegregate TSU at all levels); and

   b. to not lessen the role of black administrators in the System in carrying out the merger of TSU and UTN.

2. The reassignment of TSU and UTN administrative personnel during the merger process to the expanded TSU will be the responsibility of the Chancellor of the State Board of Regents in consultation with the President of TSU and, where appropriate, with input from the Chancellor of UTN, the staff of the State Board of Regents, the chairpersons of the TSU and UTN Faculty Senates, the chairpersons of the TSU and UTN Student Governments, and supervisors of positions to be filled.

3. The President of Tennessee State University, Dr. Frederick S. Humphries, will continue to serve as President of the University.

4. The selection of administrators to fill positions below the level of President will proceed in a sequential order, beginning with affected positions at the vice presidential level.

5. The assignment of administrative staff to current and proposed positions in the TSU structure will proceed on the premise that TSU and UTN administrators are fully qualified for the positions which they now hold and, in some instances, for higher administrative positions.

6. The selection process will follow the steps enumerated below:

   a. The Chancellor of the State Board of Regents and the President of TSU will invite the TSU and UTN incumbents in affected positions to express in writing their interest in being considered for an appointment to their position at the expanded TSU or another position for 1979-80. A resume should accompany the request. Two copies of the request and resume should be made and one forwarded to the Chancellor of the State Board of Regents and one forwarded to the President of TSU.

   b. The Chancellor will consult appropriate persons to discuss the candidacy of various persons. Persons to be consulted are enumerated in item 2.

c. Persons not selected to serve in the position for which they applied will be given an opportunity to be considered for an appointment to other positions.

7. All affected administrative positions in the organizational structure of the university will be filled by incumbent administrators at Tennessee State University or the University of Tennessee at Nashville. Exceptions to this procedure will be made only when both incumbents choose not to seek placement in the position and no other displaced TSU or UTN administrator who is qualified to fill the vacant position wishes to be considered for it. When it becomes necessary to fill a position with a person from a source external to TSU and UTN, the search process now in effect at TSU will be used with the final decisions being made by the President with the approval of the Chancellor.

8. There will be no reductions in salaries of the TSU and UTN administrators whose assignments are affected by the merger process, whether they are reassigned to administrative positions or not.